

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SMITH KLINE & FRENCH  
LABORATORIES LIMITED and  
SMITHKLINE BEECHAM  
CORPORATION d/b/a  
GLAXOSMITHKLINE,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 05-197-GMS

**FILED UNDER SEAL**  
**Redacted Version of**  
**DI 78**

DECLARATION OF MICHAEL E. GORDON IN SUPPORT OF PLAINTIFF  
GLAXOSMITHKLINE'S BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR LEAVE TO AMEND ITS ANSWER, DEFENSES, AND COUNTERCLAIMS

I, Michael E. Gordon, declare as follows:

I am admitted to this Court, and I am a counsel with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel of record for the Plaintiff GlaxoSmithKline in this action.

1. Attached hereto as Exhibit A is a true and correct copy of Defendant Teva Pharmaceuticals U.S.A. Inc.'s Responses to Plaintiff's First Set of Interrogatories, dated October 3, 2005.
2. Attached hereto as Exhibit B is a true and correct copy of Defendant Teva Pharmaceuticals U.S.A. Inc.'s Second Supplemental Responses to Plaintiff's First Set of Interrogatories, dated April 10, 2006.
3. Attached hereto as Exhibit C is a true and correct copy of Plaintiff GlaxoSmithKline's Responses to Defendant's First Set of Interrogatories, dated October 3, 2005.
4. Attached hereto as Exhibit D is a true and correct copy of a March 15, 2006 letter from Karen Robinson to Michael Gordon.

5. Attached hereto as Exhibit E is a true and correct copy of a March 29, 2006 letter from Amy Wigmore to Karen Robinson.
6. Attached hereto as Exhibit F is a true and correct copy of a May 19, 2006 letter from Corey Manley to Michael Gordon, with enclosures.
7. Attached hereto as Exhibit G is a true and correct copy of a May 30, 2006 letter from Michael Gordon to Charanjit Brahma.
8. Attached hereto as Exhibit H is a true and correct copy of a May 25, 2006 letter from Charanjit Brahma to Amy Wigmore.
9. Attached hereto as Exhibit I is a true and correct copy of a May 26, 2006 letter from Michael Gordon to Charanjit Brahma.
10. Attached hereto as Exhibit J is a true and correct copy of a June 1, 2006 letter from Michael Gordon to Charanjit Brahma.
11. Attached hereto as Exhibit K is a true and correct copy of excerpts from the transcript of the May 5, 2006 deposition of Gregory Gallagher, Jr.
12. Attached hereto as Exhibit L is a true and correct copy of a document produced by GSK to Teva in this litigation bearing bates numbers GSK-REQ013586-88.
13. Attached hereto as Exhibit M is a true and correct copy of U.S. Patent No. 4,452,808.
14. Attached hereto as Exhibit N is a true and correct copy of a document produced by GSK to Teva in this litigation bearing bates numbers GSK-REQ011577-011578.
15. Attached hereto as Exhibit O is a true and correct copy of U.S. Patent No. 4,824,860.
16. Attached hereto as Exhibit P is a true and correct copy of excerpts from the transcript of the May 26, 2006 deposition of David Owen.
17. Attached hereto as Exhibit Q is a true and correct copy of excerpts from the transcript of the May 4, 2006 deposition Brenda Costall.
18. Attached hereto as Exhibit R is a true and correct copy of a document produced by GSK to Teva in this litigation bearing bates numbers GSK-REQ020171-020172.
19. Attached hereto as Exhibit S is a true and correct copy of excerpts from the transcript of the April 27, 2006 deposition of Roger Eden.

20. Attached hereto as Exhibit T is a true and correct copy of Defendant Teva Pharmaceuticals U.S.A. Inc.'s Third Supplemental Responses to Plaintiff's First Set of Interrogatories, dated June 9, 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C.

Respectfully submitted,

  
Michael E. Gordon

Dated: July 13, 2006

**Redacted Version of  
DI 78 Filed 7/21/06**

**CERTIFICATE OF SERVICE**

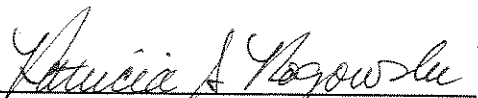
I, Patricia Smink Rogowski, hereby certify that on July 13, 2006 **DECLARATION OF MICHAEL E. GORDON IN SUPPORT OF PLAINTIFF GLAXOSMITHKLINE'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO AMEND ITS ANSWER, DEFENSES, AND COUNTERCLAIMS** using CM/ECF which will send notification of such filing to the following:

Josy W. Ingersoll, Esq.  
Young Conaway Stargatt & Taylor LLP  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801

I hereby certify that on July 13, 2006, I have served the document by Federal Express to the following non-registered participants:

Stephen D. Dove, Esq.  
Steven A. Engel, Esq.  
Karen M. Robinson, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
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DI 78 Filed 7/21/06**

  
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